

3/21/2018

Page 1 (1 - 4)

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 ----- No. 4:17-cv-00673</p> <p>4 KAREN TAYLOR,</p> <p>5 Plaintiff,</p> <p>6 vs.</p> <p>7 TASER INTERNATIONAL, INC.,</p> <p>8 Defendant.</p> <p>9 -----</p> <p>10</p> <p>11 VIDEO DEPOSITION OF</p> <p>12 JEFFREY HO, M.D., FACEP, FAAEM</p> <p>13</p> <p>14 March 21, 2018</p> <p>15</p> <p>16 9:15 a.m.</p> <p>17</p> <p>18 Paradigm Reporting</p> <p>19 527 Marquette Avenue South, Suite 1400</p> <p>20 Minneapolis, Minnesota</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Reporter: Lisa Peterson</p>	<p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION</p> <p>4 Mr. Vickery 5</p> <p>5 Mr. Glas 79</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 (None)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 For Plaintiff:</p> <p>4 (via videoconference)</p> <p>5 VICKERY & SHEPHERD</p> <p>6 10000 Memorial Drive, Suite 750</p> <p>7 Houston, Texas 77024</p> <p>8 By: ARNOLD ANDERSON VICKERY, ESQ.</p> <p>9 andy@justiceseekers.com</p> <p>10</p> <p>11 For Defendant:</p> <p>12 DEUTSCH KERRIGAN</p> <p>13 755 Magazine Street</p> <p>14 New Orleans, Louisiana 70130</p> <p>15 By: JOHN JERRY GLAS, ESQ.</p> <p>16 jerry@deutschkerrigan.com</p> <p>17</p> <p>18 Also present:</p> <p>19 Adam Wallin, Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 VIDEOGRAPHER: We are on the record.</p> <p>2 Here begins tape one in the deposition of Jeffrey D.</p> <p>3 Ho, M.D., in the matter of Karen Taylor versus Taser</p> <p>4 International, Incorporated.</p> <p>5 Today's date is March 21, 2018. The</p> <p>6 time is now 9:15 a.m. The video operator is Adam</p> <p>7 Wallin of Paradigm Digital Videography.</p> <p>8 Would Counsel please identify themselves</p> <p>9 and state whom they represent.</p> <p>10 MR. VICKERY: My name is Andy Vickery.</p> <p>11 I'm from Houston, Texas, although today I'm in</p> <p>12 Charlotte, North Carolina, and I represent the</p> <p>13 plaintiff Karen Taylor.</p> <p>14 MR. GLAS: My name is Jerry Glas, and I</p> <p>15 am here in Minneapolis, Minnesota, and I represent</p> <p>16 Axon Enterprise, Incorporated, formerly known as</p> <p>17 Taser International, Incorporated.</p> <p>18 VIDEOGRAPHER: The court reporter</p> <p>19 today is Lisa Peterson of Paradigm Reporting &</p> <p>20 Captioning. Would the reporter please swear in the</p> <p>21 witness.</p> <p>22 JEFFREY HO, M.D., FACEP, FAAEM,</p> <p>23 being first duly sworn,</p> <p>24 testified as follows:</p> <p>25 oOo</p>

Page 49	Page 51
<p>1 city?</p> <p>2 A. I was just getting off an airplane in</p> <p>3 Arizona.</p> <p>4 Q. Were you asked to make recommendations</p> <p>5 as to what should be done so this would not happen</p> <p>6 again?</p> <p>7 A. Not specifically. We were asked to</p> <p>8 describe what had just occurred. We were asked to</p> <p>9 come up with reasons why we felt like it occurred</p> <p>10 and the different parameters, and this was in</p> <p>11 combination with talking with the engineers and</p> <p>12 whatnot, and then the company made decisions based</p> <p>13 off that.</p> <p>14 Q. The decision they made was to lower the</p> <p>15 charge output, wasn't it?</p> <p>16 A. I think that was one of the decisions.</p> <p>17 You would have to ask them specifically on that.</p> <p>18 Q. Can you tell me from what it was lowered</p> <p>19 to what, in other words, how much was it lowered?</p> <p>20 A. I couldn't. I don't know what we</p> <p>21 started at.</p> <p>22 Q. Can you tell me what the charge output</p> <p>23 of the X3 was once the modifications had been made?</p> <p>24 A. I believe on the spec sheet now it is</p> <p>25 represented as 63 microcoulombs of average charge.</p>	<p>1 BY MR. VICKERY:</p> <p>2 Q. What is?</p> <p>3 A. I don't think there is a single most</p> <p>4 important. I think it's multi-factorial.</p> <p>5 Q. List the factors for me?</p> <p>6 A. Again multi-factorial meaning it can</p> <p>7 have to do with things such as where on the body the</p> <p>8 location of the darts are occurring, it can have to</p> <p>9 do with charge being one of them which you just</p> <p>10 mentioned, pulse duration is another shape of the</p> <p>11 charge, the body habitus of the individual and</p> <p>12 resistance that the current is meeting.</p> <p>13 So again simply saying it's only one</p> <p>14 thing is the most important thing I think is an</p> <p>15 over-simplification. While I won't dispute that</p> <p>16 Rick Smith may have said that or did say that, I</p> <p>17 don't necessarily agree with that.</p> <p>18 Q. Mark Kroll said it in a peer-reviewed</p> <p>19 article more than ten years ago, didn't he?</p> <p>20 A. If you have it in front of you, you are</p> <p>21 telling me that, I wouldn't disagree with you on</p> <p>22 that.</p> <p>23 Q. You wouldn't disagree with Mark Kroll on</p> <p>24 that, would you?</p> <p>25 A. If you are telling me he said the exact</p>
Page 50	Page 52
<p>1 Q. That is the same wave form and same</p> <p>2 charge as the X2, right?</p> <p>3 MR. GLAS: Object. Compound question.</p> <p>4 BY MR. VICKERY:</p> <p>5 Q. Is it the save wave form as the X2?</p> <p>6 A. That is what I'm under the impression</p> <p>7 of, yes.</p> <p>8 Q. Is it the same charge output as the X2?</p> <p>9 A. That I believe so, yes.</p> <p>10 Q. Did you see the quote in my amended</p> <p>11 complaint attributed to Rick Smith that when we are</p> <p>12 looking at the question of neuromuscular</p> <p>13 incapacitation, that the total delivered charge is</p> <p>14 the, quote, key thing we focus on?</p> <p>15 A. I must have seen it if that document was</p> <p>16 given to me, and I'm sure I saw it.</p> <p>17 Q. You agree with that, don't you?</p> <p>18 A. Not necessarily. I don't agree with</p> <p>19 that as a single isolated statement, no.</p> <p>20 Q. You don't think the charge output is the</p> <p>21 single most important parameter for determining</p> <p>22 neuromuscular incapacitation?</p> <p>23 MR. GLAS: Objection. Asked and</p> <p>24 answered.</p> <p>25 A. No, I don't.</p>	<p>1 same statement in that context, yes, I would</p> <p>2 disagree with you on that. Maybe I didn't</p> <p>3 understand your question.</p> <p>4 Q. I'm not trying to quote Dr. Kroll. What</p> <p>5 I'm saying is Dr. Kroll in a published article at</p> <p>6 least eight years ago, I think ten, I could dig it</p> <p>7 out if I had to and I will for the trial but that</p> <p>8 Dr. Kroll echoed what Mr. Smith said about the key</p> <p>9 focus from the standpoint of achieving neuromuscular</p> <p>10 incapacitation in design and function of the weapon</p> <p>11 is the output of charge?</p> <p>12 MR. GLAS: Mr. Vickery, I don't</p> <p>13 understand if you are asking him to confirm Mark</p> <p>14 Kroll said it or whether he today agrees that -- I'm</p> <p>15 not sure what you are asking. You keep saying the</p> <p>16 same statement he said it but there's no question</p> <p>17 after it. I apologize for interrupting you. I</p> <p>18 think the witness was confused about the same</p> <p>19 thing.</p> <p>20 BY MR. VICKERY:</p> <p>21 Q. I'm asking if you agreed with the</p> <p>22 peer-reviewed published literature by Dr. Kroll that</p> <p>23 echoed Mr. Smith's comments about charge being the</p> <p>24 key component in terms of achieving neuromuscular</p> <p>25 incapacitation? If Mark Kroll said that, do you</p>

REPORTER CERTIFICATE

BE IT KNOWN, I took the video deposition of
JEFFREY HO, M.D., FACEP, FAAEM, at the time and
place set forth herein;

That I was then and there a Notary Public in
and for the County of Hennepin, State of Minnesota
and by virtue thereof I was duly authorized to
administer an oath;

That the witness before testifying was by me
first duly sworn to testify to the whole truth
relative to said cause;

That the testimony of said witness was
recorded in shorthand and transcribed into
typewriting, and that the deposition is a true
record of the testimony given by the witness, to the
best of my ability;

That before completion of the deposition,
review of the transcript was requested. If
requested, any changes made by the deponent (and
provided to the reporter) during the period allowed
are appended hereto.

That I am not related to any of the parties
hereto nor interested in the outcome of the action;

That the original transcript was charged and
delivered to attorney conducting the deposition for
filing, that copies were charged at the same rate;

WITNESS MY HAND AND SEAL THIS
24TH DAY OF MARCH 2018.

LISA M. PETERSON
My commission expires 1/31/22